



A

B I L L

[AS AMENDED ON RE-COMMITMENT]

For regulating the Trial of Controverted Elections or Returns of Members to serve in the United Parliament of Great Britain and Ireland, for that Part of the United Kingdom called Ireland; and for regulating the Qualifications of Members to serve in the said United Parliament.

Note.—The Figures in the Margin denote the Number of the Folios in the written Copy.



WHEREAS by an Act made in the Session of 1
Parliament, held in the Thirty-ninth and Fortieth
Years of the Reign of His present MAJESTY,
intituled, "An Act for the Union of Great
" Britain and Ireland," it was amongst other
Things Enacted, That the said Kingdoms of Great Britain
and Ireland should, upon the First Day of January in
the Year of our Lord One thousand Eight hundred and One,
and for ever after, be united into One Kingdom, by the
Name of "The United Kingdom of Great Britain and Ireland;"
and that the said United Kingdom should be represented in
one and the same Parliament, to be stiled "The Parliament
of the United Kingdom of Great Britain and Ireland;" and
that One Hundred Commoners should be the Number to
sit and vote on the Part of Ireland, in the House of Com- 2
mons of the Parliament of the United Kingdom; and that
all Questions touching the Election of Members to sit on the
Part of Ireland in the House of Commons of the United
Kingdom, should be heard and decided in the same Man-
ner as Questions touching such Elections in Great Britain then
were, or at any Time thereafter should by Law be heard and
decided; subject nevertheless to such particular Regulations
A in

in respect of Ireland, as, from local Circumstances, the Parliament of the United Kingdom might from Time to Time deem expedient :

- Be it therefore Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That
- 3 from and after the passing of this Act, all and every the Rules, Regulations, Authorities, and Powers heretofore given or prescribed, by any Act or Acts of the Parliament of Great Britain, and in Force at the Time of the passing of the said Act for the Union of Great Britain and Ireland, with respect to Petitions presented to the House of Commons, complaining of undue Elections or Returns of Members to serve in Parliament, or complaining of the Omission or Insufficiency of any such Return, and with respect to Petitions of Persons desiring to oppose any Right of Election, or any Right of choosing, nominating, or appointing Returning Officers, which shall have been deemed valid by the Determination of any
 - 4 Select Committee of the House of Commons, and with respect to the Trial and Determination of all such Petitions by such Select Committees, shall be in full Force and Effect with respect to all such Petitions as shall or may be hereafter from Time to Time presented to the House of Commons of the Parliament of the said United Kingdom, complaining of undue Elections or Returns of Members to serve in Parliament for any County, Stewartry, City, Borough, Cinque Port, Town, or Place, in any Part of the said United Kingdom, or of the Omission or Insufficiency of any such Returns, or from any Person or Persons, desiring to oppose any such Right of Election, or of choosing, nominating, or appointing Returning Officers, in as full and ample a Manner as if the same Rules, Regulations, Authorities, and Powers were herein repeated,
 - 5 and particularly and specifically enacted concerning the same Petitions, and the Trial and Determination thereof; except so far as the same are altered in and by this present Act.

And be it further Enacted, That no Petition complaining of an undue Election or Return for any County, City, Borough, Town, or Place, in that Part of the United Kingdom called Ireland, or of the Omission or Insufficiency of any such

such Return, or from any Person or Persons desiring to oppose any Right of Election, or of choosing, nominating, or appointing Returning Officers, in or for any such County, City, Borough, Town, or Place, shall be proceeded upon by the House of Commons, unless the same shall, in Addition to the Matters and Things required by any Act or Acts now in Force, also state the Day on which the Poll closed (if any such Poll took place) and also the Day on which the Sheriff or other Returning Officer made his Return, or being required so to do refused or neglected to make such Return; nor unless the same Petition shall also state all and every the several Matters and Things of and concerning which the Petitioner or Petitioners presenting the same is or are desirous of complaining, and to which he or they purpose or intend to call and examine Witnesses; and that no Witness or Witnesses shall be called or examined by or on the Behalf of such Petitioner or Petitioners, either by or before the Select Committee of the House of Commons, to be chosen for the Trial and Determination of the Merits of such Petitions, or by or before the Commissioners to be chosen and appointed in Ireland in Manner hereinafter mentioned, to any Matter or Thing not contained or set forth in such Petitions.

And, for the avoiding the Inconvenience and Expence which may in certain Cases arise by reason of Witnesses being brought from Ireland, to be personally examined before Committees of the House of Commons; Be it Enacted, That whenever a Select Committee of the House of Commons shall at any Time hereafter be appointed for the Trial and Determination of any Petition, complaining of an undue Election or Return of Members to serve in Parliament for any County, City, Borough, Town, or Place, in that Part of the United Kingdom called Ireland, or complaining of the Omission or Insufficiency of any such Return, or from any Person or Persons desiring to oppose any Right of Election, or any Right of choosing a Returning Officer or Returning Officers, in or for such County, City, Borough, Town, or Place, it shall and may be lawful to and for the Chairman of the said Select Committee, and he is hereby required, upon the Request and at the Desire, either of any Petitioner or Party signing such Petition, or of the Sitting Member, or of

of the Returning Officer if complained against, or of any other Party petitioned against, or whose Right to be elected or returned may be affected by the Determination of the said Select Committee, in the first Instance, and before the said Select Committee shall proceed to enquire into or decide upon the Merits of the said Petition, to issue a Warrant under the Hand and Seal of him the said Chairman, directed to the Clerk of the Crown in Ireland, or his Deputy, ordering and requiring him to nominate and appoint Commissioners, in such Manner as is hereinafter directed, for the Purpose of trying and examining all or any of the Allegations, Matters, and Things mentioned and contained in the said Petition; and which Warrant shall be in the following Form: (videlicet)

" To the Clerk of the Crown in Ireland, or his Deputy :

*" By Virtue of the Powers in me vested, by an Act passed
 " in the Forty-first Year of the Reign of His Majesty
 " King GEORGE the Third, intituled, An Act [here
 " set forth the Title of this Act] I
 " Chairman of the Select Committee of the House of
 " Commons, appointed to try the Merits of a Petition
 " from [here set forth the Name or Names of the Peti-
 " tioner or Petitioners, and of the Place to which the
 " Petition relates] Do hereby authorize and require you,
 " or One of you, forthwith to proceed to nominate
 " and appoint Commissioners for the Purpose of trying
 " and examining all the Allegations, Matters, and
 " Things mentioned and contained in the said Peti-
 " tion [or otherwise state the particular Matters and
 " Things which are to be tried and examined by the said
 " Commissioners, and say, being Part of the Allega-
 " tions, Matters, and Things mentioned and contained
 " in the said Petition] in such Manner and Form as
 " in the said Act is particularly mentioned and di-
 " rected. Given under my Hand and Seal at West-
 " minster, this . . . Day of . . ."*

And the said Chairman shall annex or cause to be annexed to his said Warrant, a true Copy of the Petition which shall have been referred to the said Select Committee; and the said
 11 Warrant shall be conveyed to the said Clerk of the Crown in Ireland,

Ireland, or his Deputy, in the Method used in conveying Writs; and immediately upon the granting of such Warrant, the said Chairman shall report the Proceedings of the said Committee to the House, and thereupon the said Select Committee shall be dissolved, and shall not proceed any further on the Trial or Determination of the Petition in question: Provided always, that if none of the Parties interested as aforesaid, shall require the Chairman of the said Select Committee to issue such Warrant, then and in such Case the said Select Committee shall proceed to try the Merits of the said Petition in the same Manner as controverted Elections are tried for that Part of the United Kingdom called Great Britain.

Provided also, and be it further Enacted, That in case no other or further Proceedings or Business shall be had or done by or before such Select Committee, than the issuing of a Warrant for the Purposes aforesaid by the Chairman of the said Committee in Manner aforesaid, no Member of such Select Committee shall be deemed to have served on the said Committee, so as to be excused from serving again on any other Select Committee to be chosen in the same Session for the Trial of any Petition respecting the Matters and Things aforesaid, or any of them.

12

Provided also, and be it further Enacted, That if within Fourteen Days after the presenting any such Petition to the House of Commons, complaining of an undue Election or Return for any County, City, Borough, Town, or Place, in that Part of the United Kingdom called Ireland, or of the Omission or Insufficiency of such Return, or from any Person or Persons desiring to oppose any Right of Election, or of choosing, nominating, or appointing Returning Officers in or for any such County, City, Borough, Town, or Place, either of the Parties petitioning or petitioned against, or whose Right to be elected or returned may be affected by the Trial of the said Petition, shall apply to the said House, praying that the Speaker of the said House may issue his Warrant to the said Clerk of the Crown, or his Deputy, for the Purpose of appointing Commissioners as aforesaid, it shall and may be lawful for the said Speaker, with the Leave of the said House, and he is hereby authorized and required to issue such Warrant accordingly for that Purpose.

CLAUSE (I)

B

11

in such Manner and Form as to him shall seem requisite; and that thereupon all such further and other Proceedings shall be had, as are hereinbefore and hereinafter directed and appointed, in case of a Warrant being issued by the Chairman of any Select Committee; and that such Application to the House shall be deemed a Proceeding on the said Petition, within the true Intent and Meaning of the Statutes now in Force for the regulating the Trial of controverted Elections or Returns of Members to serve in Parliament, or any of them.

And be it further Enacted, That the said Clerk of the Crown in Ireland, or his Deputy, shall, immediately upon the Receipt of the Warrant of the Speaker of the House of Commons, or of the Chairman of the said Committee; as the Case may be, indorse on the same the Day and Time when the said Warrant was received by him, and shall, in the next Number of the Dublin Gazette which shall be published after the Receipt of the said Warrant, give Notice that he will, at the Crown Office in the City of Dublin, at the Hour of One of the Clock in the Afternoon of a certain Day to be by him named in such Notice (such Day not being less than Three Days nor more than Seven Days distant from the Time of inserting such Notice) proceed to appoint such Commissioners for the Purposes aforesaid, in Manner and according to the Provisions and Directions in and by this present Act provided and contained.

CLAUSE (K.) And be it further Enacted, That at the Day and Place so appointed, in the Presence of the said Clerk of the Crown or his Deputy, and also in the Presence of the Petitioners, their Counsel or Agents, and of the Sitting Members, their Counsel or Agents, and also in the Presence of all Parties before the House on distinct Interests, or complaining or complained of on different Grounds, or whose Right to be elected or returned may be affected by the Determination of any Select Committee on the Petition in question, or their several and respective Counsel or Agents (or in the Presence of such of the said Parties, their Counsel or Agents, as shall then and there attend) the Names of Six Persons, each having an Estate of Freehold for his own Life, or for some greater Estate, either in Law or in Equity, for his own Use
and

and Benefit, of or in Lands, Tenements, or Hereditaments, over and above what will satisfy and clear all Incumbrances that may affect the same, lying or being within that Part of the United Kingdom called Ireland, of the Annual Value of Two Hundred Pounds above Reprizes, and having consented to become Commissioners, on being appointed in Manner hereinafter mentioned, and not being nor having been at the Time of the Election in question, entitled to vote for the County, City, Borough, Town, or Place respecting which the Election or Return complained of, or other Subject Matter of the Petition in question, arose or happened, and not being nor having been, at the Time of the Election in question, Sheriff of the County, or Returning Officer of the City, Borough, Town, or Place, in or for which the said Election, Return, or other Matter of the Petition in question, arose or happened, nor having been Counsel at such Election, shall be delivered to the said Clerk of the Crown, or his Deputy, by or on Behalf of each and every the said distinct Parties, or by or on Behalf of such of them as shall then and there attend by themselves, their Counsel, or Agents; and a List of the Whole of such Names shall forthwith be made by the said Clerk of the Crown, or his Deputy, and given by him to all the said Parties, their Counsel or Agents, or such of them as shall be then and there present; and thereupon the said Parties, their Counsel or Agents, beginning on the Part of the said Petitioners, shall proceed alternately, or if there shall be more than Two Parties before the House on distinct Interests, or complaining or complained of upon different Grounds, or whose Right to be elected or returned may be affected by the Determination of the said Select Committee, the said Parties, their Counsel or Agents, shall proceed successively, as the Case may require, to strike off the Name of One of the said Persons contained in the said List, until the Number shall be reduced to Four, which said Four Persons shall, together with the Barrister to be named and appointed in Manner hereinafter mentioned, be Commissioners for the Purpose of trying and examining all such Matters and Things as shall be mentioned and contained in the Warrant of the said Speaker, or of the said Chairman of the Select Committee of the House of Commons, on the Petition in question, for that Purpose directed to the said Clerk of the Crown, or his Deputy,

Deputy, in Manner hereinbefore mentioned : Provided always, that if all the Parties interested shall agree to deliver, and shall deliver to the said Clerk of the Crown, or his Deputy, a List of Four Persons so qualified, and consenting as aforesaid, such List being signed by all the said Parties interested, such Four Persons shall be and become Commissioners for the Purposes aforesaid, as if the said Four Persons had been appointed in Manner hereinbefore mentioned.

CLAUSE (G.) And be it further Enacted, That within Three Days next after the Appointment of the said Four Commissioners, all the Parties interested in the said Petition, who shall have appeared before the said Clerk of the Crown or his Deputy, and shall have joined in appointing the said Four Commissioners in Manner aforesaid, shall also join in nominating and appointing some One Barrister, of not less than Six Years standing, who shall have been agreed upon by all the said Parties, to be One other Commissioner for the Purposes aforesaid, and to be Chairman of the said Commissioners as hereinafter mentioned, and who shall have consented to be so nominated and appointed; which Nomination and Appointment of the said Parties, and Consent of the said Barrister, shall be signified in Writing under the Hands of all the said Parties, and of the said Barrister respectively, and delivered to the said Clerk of the Crown or his Deputy, at the Crown Office in the said City of Dublin, between Twelve and One of the Clock in the Afternoon on the Third Day exclusive from the Day of appointing the said Four Commissioners in Manner aforesaid (or in case such Day shall be Sunday, Good Friday, or Christmas Day, then between the same Hours on the succeeding Day); and in case such Nomination and Appointment shall not be so delivered to the said Clerk of the Crown, or his Deputy, within the Time aforesaid, then the said Clerk of the Crown (not being a Peer of the Realm) or his Deputy, on the Application of any of the said Parties interested in the said Petition, shall and may, and he is hereby required, authorized, and empowered, at One of the Clock in the Afternoon of the Fourth Day exclusive from the Day of appointing the said Four Commissioners (or in case such Day shall be Sunday, Good Friday, or Christmas Day, then at the same Hour on the succeeding Day) at the Crown Office in the said City of Dublin, to nominate and appoint any Barrister of Six Years standing,

and

and consenting as aforesaid, to be such One other Commissioner, and Chairman of the said Commissioners for the Purposes aforesaid.

CLAUSE (F.)

Provided always, and be it further Enacted, That in Cases of Petitions complaining of any Return made by a Returning Officer or Returning Officers, or of the Omission of such Return, if more than One such Petition shall have been presented to the House of Commons respecting the same Return, or Omission of a Return, on distinct Interests, or complaining or complained of on different Grounds, the Returning Officer or Officers, or the Person appearing or acting for him or them, shall not be entitled to deliver in any List to the said Clerk of the Crown, or his Deputy, nor to join with the Petitioners in striking off from the List to be made by the said Clerk of the Crown, or his Deputy, in Manner aforesaid, nor to join with the said Petitioners in nominating a Barrister to be a Fifth Commissioner and Chairman of the said Commissioners in Manner aforesaid, unless the said Returning Officer or Officers shall produce to the said Clerk of the Crown, or his Deputy, a Certificate, under the Hand of the Clerk of the House of Commons, which Certificate the said Clerk of the House of Commons is hereby authorized and required to grant, that such Returning Officer or Officers was or were permitted to strike off from the List of Members of the House of Commons drawn by Lot, on the Appointment of the Select Committee of the said House for the Trial of the said Petition, or that the said House had determined, from the Nature of the Case, that the said Returning Officer or Officers should and ought to be so entitled.

Provided always, and be it further Enacted, That if within One Hour after the Time fixed in pursuance of this Act, for the Purpose of proceeding to the Appointment of such Four Commissioners in Manner aforesaid, the Petitioner or Petitioners, or some one or more of them who shall have signed any Petition for the Purposes aforesaid, shall not appear before the said Clerk of the Crown or his Deputy, by himself or themselves, or by his or their Counsel or Agents, then and in such Case the said Clerk of the Crown or his Deputy shall not proceed to the Appointment of such Four Commissioners, but

17

C

shall

shall forthwith make and prepare a Certificate that such Petition was not proceeded upon, and shall transmit the said Certificate to the said Speaker of the House of Commons, upon Receipt of which Certificate the said Speaker shall report the same to the House; and thereupon all Orders of the said House, and of the said Select Committee, respecting the said Petition, shall
 18 be discharged, and such Petition shall not be any further proceeded upon in the Manner directed by this Act, or by any other Act or Acts now in Force respecting the same; and the Petitioner or Petitioners so neglecting to appear, shall be held to have made Default in the Recognizance or Recognizances entered into by him or them on the presenting of the Petition, in the same Manner as if the Petitioner or Petitioners had neglected to appear before the said House, or before the Select Committee appointed for the Trial of such Petition.

And be it further Enacted, That if within One Hour after the Time so fixed in pursuance of this Act, for proceeding to the Appointment of Commissioners as aforesaid, the Sitting Member or Sitting Members, or other Party or Parties opposing the Petition, shall not appear by himself or themselves,
 19 or by his or their Counsel or Agents, thereupon, for the Purpose of reducing the List of such Names as shall be delivered by or on Behalf of any Party or Parties appearing before the said Clerk of the Crown, or his Deputy, to Four, the Place of a Party opposing the Petition, shall be supplied by the Clerk of the Crown or his Deputy, who shall, as often as it shall come to his Turn, as supplying the Place of the Party opposing the Petition, to strike out a Name, strike out that Name which then shall be first in the said List; and the same Method of reducing the said List to the Number of Four, shall be followed whenever any Party shall waive his Right of striking off Names from the said List.

And be it further Enacted, That when and as soon as Five Commissioners shall be appointed in Manner aforesaid, the said Clerk of the Crown or his Deputy shall issue his Warrant to each of the Commissioners so appointed, commanding and requiring him, under the Penalty of One Thousand Pounds, to repair to the
 20 City, Town, or Place in or for which the Election or Return complained of, or other Subject Matter of the Petition, arose or happened, on a Day certain, to be named in the said Warrant,
 and

and which Day shall be not less than Seven Days nor more than Fourteen Days distant from the Day on which the said Commissioners were appointed in Manner aforesaid; and in case any of the said Commissioners shall neglect or refuse to obey the Injunction of the said Warrant, he or they so neglecting or refusing shall accordingly forfeit the said Sum of One Thousand Pounds; and the said Clerk of the Crown or his Deputy shall, together with such Warrant, also transmit to each of the said Commissioners a Copy of the said Warrant of the said Speaker of the House of Commons, or of the Chairman of the said Select Committee, as the Case may be, and of the Petition in question; and the said Clerk of the Crown or his Deputy shall also insert a Copy of his said Warrant in the next Number of the Dublin Gazette which shall be published after his issuing his said Warrant; and each of the said Parties by or for whom the Names in the said Lists shall be so struck off as aforesaid, shall pay to the said Clerk of the Crown or his Deputy, in full Satisfaction of his Trouble and Attendance in the Execution of this Act, the Sum of Ten Pounds.

And be it further Enacted, That on the Day and at the Place appointed, between the Hours of Ten in the Forenoon and Four in the Afternoon, the said Commissioners shall meet and open their Court, or commence their Proceedings, by appointing the said Barrister so nominated and appointed as aforesaid to be Chairman of the said Commission, and by reading the said Warrant of the said Clerk of the Crown or his Deputy to them directed, and also the Copy of the said Warrant of the said Speaker of the House of Commons, or of the said Chairman of the said Select Committee, as the Case may be, directed to the said Clerk of the Crown or his Deputy, and also the Copy of the Petition annexed to the said last-mentioned Warrant; and the said Commissioners shall, before further proceeding on the Business of their said Commission, take and subscribe the following Oath; (that is to say)

“ I A. B. do swear, That I will, without Favour, Affection,
 “ or Malice, and according to the best of my Skill and
 “ Knowledge, well and truly try and examine all such
 “ Matters and Things as shall be brought before me,
 “ by virtue of a Warrant under the Hand and Seal of
 “ the

22 the [Speaker of the House of Commons, or, Chairman
 23 of a Select Committee of the House of Commons,
 24 as the Case may be] on a Petition from [here state the
 25 Name or Names of the Petitioner or Petitioners, and of the
 26 Place to which the Petition relates] and that I will in
 27 all Things well and truly perform the Duty of a Com-
 28 missioner appointed to try the said Matters and
 29 Things, according to the Rules, Regulations, and
 30 Directions contained in an Act, passed in the Forty-
 31 first Year of the Reign of King GEORGE the Third,
 32 intituled [here set forth the Title of this Act.] and that
 33 I am qualified to act as a Commissioner according to
 34 the Directions of the said Act.

“ So help me G O D.”

23 Which Oath the said Chairman of the said Commissioners,
 having first taken and subscribed the same in the Presence of
 the rest of the said Commissioners, is hereby authorized and
 empowered to administer to the other and others of them
 the said Commissioners; and if any Person shall act as a Com-
 missioner in the Execution of this Act not being qualified, either
 by his Estate, or by his Degree as a Barrister, in Manner herein-
 before mentioned, every such Person shall for such Offence
 forfeit and pay the Sum of One Thousand Pounds; and the said
 Commissioners shall sit every Day (Sundays, Christmas Day,
 and Good Friday, only excepted) from the Hour of Ten in
 the Morning till Four in the Afternoon, and shall never adjourn
 for a longer Time than Twenty-four Hours, except in case of
 the Death or continued Absence of One or more of the said
 Commissioners, as hereinafter provided, unless Sunday, Christ-
 mas Day, or Good Friday shall intervene; and in case of such
 Intervention, every Meeting, Sitting, or Adjournment shall be
 within Twenty-four Hours from the Time of appointing or
 fixing the same, exclusive of such Sunday, Christmas Day, or
 Good Friday.

24 And be it further Enacted, That no One of the said Five
 Commissioners shall be allowed to absent himself from the
 said Daily Sitzings and Meetings, except in Cases of sudden
 Accident or Necessity, or in the Case of Illness; and that such
 Cases of sudden Accident or Necessity shall be made appear
 to the others of the said Commissioners by Facts specially
 stated

stated and verified upon the Oath of the said Commissioner so absenting himself, and that such Illness shall be certified to the others of the said Commissioners, on the Oath of a Physician, which Oaths shall be made before One of His Majesty's Justices of the Peace; and that any Commissioner who shall so absent himself without such lawful Excuse, shall, for every Day on which he shall so absent himself, forfeit and pay the Sum of Five Hundred Pounds.

And be it further Enacted, That the said Commissioners shall never sit until all the said Five Commissioners are met, except in Cases where the Absence of a Commissioner is verified upon Oath as aforesaid, and not then except with the Consent of all Parties; and in case all the said Commissioners, or such Number as shall be so consented to as aforesaid, (the said Chairman being always one), shall not meet within One Hour after the Time to which the Meeting of the said Commissioners shall have been adjourned, a further Adjournment shall be made in the Manner before directed, and so from Time to Time until the said Five Commissioners as aforesaid, or such Number as shall be so consented to as aforesaid (the said Chairman being always one) are assembled; and that in case the Number of the said Commissioners able to attend, shall at any Time, by Death or otherwise, be unavoidably reduced to less than Five, and shall so continue for the Space of Three Sitting Days, the remaining Commissioners shall thereupon adjourn until the new Commissioner to be appointed as hereinafter mentioned shall attend; and the said Clerk of the Crown or his Deputy shall, from Time to Time as Occasion may require, on the Application of any Party interested, and in the Presence of such of the Parties as shall attend, and on the Production of an Affidavit made before One Justice of the Peace for the County, City, Town, or Place, at or within which the said Commissioners shall meet, of the Death of any Commissioner, or of the continued Absence of any Commissioner for the Time aforesaid, immediately proceed to fill up such Vacancy in Manner following; (that is to say,) in case the said Commissioner so dying or being absent, shall have been originally nominated by any one of the Parties interested in the said Petition, then the Party by whom the said Commissioner was so originally nominated, shall

D

shall

shall deliver to the said Clerk of the Crown or his Deputy a List of Three Persons, qualified as aforesaid, from which List the other Party or Parties interested in the said Petition, or the Clerk of the Crown or his Deputy, on Behalf of such other Party or Parties, shall strike off Two, and the remaining One shall be a Commissioner for the Purposes aforesaid, in the Room or Stead of the Commissioner so dying or being absent as aforesaid; and in case the said Chairman of the said Commissioners shall happen to be the Commissioner dying or being absent in Manner aforesaid, then the Parties interested in the said Petition shall, within Three Days, proceed to nominate and appoint One other Barrister, of not less than Six Years standing, to be a new Commissioner, and Chairman of the said Commissioners, or in their Default, the said Clerk of the Crown (not being a Peer of the Realm) or his Deputy, shall nominate and appoint such Barrister, in the same Manner and Form as is hereinbefore directed and appointed with respect to the Nomination and Appointment of the first or original Chairman of the said Commissioners; and the said Clerk of the Crown or his Deputy shall issue his Warrant to such Commissioner so from Time to Time to be appointed, commanding and requiring him, under the Penalty of One Thousand Pounds, to repair to the Place of Meeting of the other Commissioners, on a Day certain, to be named in the said Warrant, and which Day shall be not less than Seven Days nor more than Fourteen Days distant from the Day on which the said Commissioner was appointed in Manner aforesaid; and in case such Commissioner shall neglect or refuse to obey the Injunction of the said Warrant, he shall accordingly forfeit the said Sum of One Thousand Pounds; and such Commissioner so from Time to Time to be appointed in the Place or Stead of any Commissioner dying or absenting himself for the Time aforesaid, shall in all Respects have the same Power, Jurisdiction, and Authority, as the Commissioner in whose Place or Stead he shall have been appointed in Manner aforesaid, and shall proceed conjointly with the other Commissioners to complete the Purposes for which the said Commissioners were originally appointed: Provided always, that any Number of Commissioners less than Five (the said Chairman being always one) may execute all the Purposes of this Act, with the Consent of all Parties interested, and which Consent shall be specially

cially entered on the Minutes of the Proceedings of the said Commissioners, and signed by the Parties, their Counsel or Agents respectively. 28

Provided always, and be it Enacted, That if any Commissioner appointed by virtue of this Act shall be prevented from attending at the Day and Place appointed in the Warrant of the said Clerk of the Crown, or his Deputy, by any sudden Accident, Necessity, or Illness, to be verified upon Oath in Manner hereinbefore directed with respect to the Absence of either of the said Commissioners after proceeding on the said Commission, then and in such Case a new Commissioner or Commissioners shall be chosen and appointed in Manner hereinbefore directed; and the Commissioner or Commissioners so prevented from attending by such sudden Accident, Necessity, or Illness, shall not be liable to the said Penalty of One Thousand Pounds; any Thing herein contained to the contrary notwithstanding. CLAUSE (D.)

And be it further Enacted, That the Parties appearing before the said Commissioners shall in the first Place interchange with each other, Lists of the Names of all such Votes and Voters to which either of the said Parties purpose and intend to object before the said Commissioners, and shall also interchange with each other, Copies of all Particulars respecting any Right of voting, or of choosing or nominating a Returning Officer, and of all such other Matters and Things as either of the said Parties means to insist upon, or to contend for, or to object to before the said Commissioners; and that the said Commissioners, or the Clerk of the Crown or his Deputy, previous to the first Meeting of the said Commissioners, by Warrant under his Hand and Seal, shall have Power to send for Persons, Papers, and Records; and the said Commissioners shall examine all Witnesses who shall come before them upon Oath, and shall try and examine all Matters referred to them, and shall in all Respects have the same Powers and Authorities for the trying and examining the said Matters so referred to them, as Select Committees of the House of Commons on controverted Elections now have for the trying and examining the Matters and Things referred to such Select Committees; and the said Commissioners shall appoint 29

50 appoint a Clerk to take down in Writing Minutes of all the Proceedings of them the said Commissioners, and of all such Evidence as shall be given or produced before them, in as accurate a Manner as the same can possibly be done, and shall proceed in examining all and every Witness and Witnesses who shall come before them, and in determining on the Validity of any Vote or Votes, and in scrutinizing the Rights of any Voter or Voters, and in determining Objections to Votes or Voters, and in all other Matters and Things whatsoever referred to them, in the same Course and Manner, and according to the same Rules, as Select Committees of the House of Commons on controverted Elections ought and are empowered to proceed in like Cases; and the said Commissioners shall and may be attended by Two Counsel, and no more, on Behalf of each of the Parties appearing before them, and complaining or complained of on distinct Grounds or Interests; and the Clerk appointed by the said Commissioners shall from Time to Time make or cause to be made, true Copies of the Minutes of all Proceedings before the said Commissioners, and of all such Evidence as shall be given or produced before them; and shall give One such Copy to each of the Parties interested, or his or their Agent, or to such of them as shall demand the same, on being paid for each Sheet of the said Copy, consisting of Seventy-two Words, the Sum of Six Pence; and such Commissioners shall respectively certify in Writing under their respective Hands, their Adjudication upon every Vote to which any Objection shall be made before them, declaring the said Vote to be good or bad; and within Ten Days after the Evidence before the said Commissioners shall be closed, touching the Matters and Things referred to them, the said Commissioners shall cause Two Copies of the Minutes of all their Proceedings to be made, and shall examine the same with the said Minutes,

31 and shall sign and seal the said Copies; and shall also, under their Haps and Seals, certify the Name or Names of the Person or Persons who shall in the Opinion of the said Commissioners respectively appear to be duly elected, and also their Opinion upon all such other Matters as shall have been put in Issue before them upon the Merits of the Petition in question, and shall transmit by their Clerk One of the said Copies

Copies to the Clerk of the Crown or his Deputy, at the Crown Office in Dublin, and the other of the said Copies to the Speaker of the House of Commons of the Parliament of the said United Kingdom, who shall accordingly communicate the same to the said House; and thereupon such Commission shall be dissolved and determined.

Provided always, and be it further Enacted, That in case, CLAUSE (H.)
 at any Time in the Course of the said Proceedings before the said Commissioners, any of the said Parties shall tender or offer to produce to the said Commissioners, any Witness or Evidence to, of, or concerning any Matter or Thing whatsoever in issue before the said Commissioners, which Witness or Evidence the said Commissioners, or a Majority of them, shall be of Opinion ought not to be examined, heard, or received, the said Commissioners shall state in Writing the Reasons and Grounds upon which they have rejected the said Evidence, and enter the same upon their Proceedings; and it shall and may be lawful to and for the Party tendering or offering to produce such Witness or Evidence, to require of the said Commissioners that the said Witness or Evidence shall be examined, heard, and received by and before them; and the Testimony of such Witness, or the Purport of such Evidence, shall accordingly be taken down in Writing by the Clerk to the said Commissioners, separately and apart from all other Evidence before the said Commissioners; and a Copy thereof, with a Statement of the Purpose to or for which the said Witness or Evidence was produced, and by whom the same was produced, shall be signed and sealed by the said Commissioners, in the Nature of a Bill of Exceptions to Evidence, and the same shall be transmitted by the said Commissioners, together with all the other Proceedings before them, in Manner hereinbefore mentioned; and if the Select Committee of the House of Commons to whom the Merits of the Petition in question shall be afterwards referred in Manner hereinafter mentioned, shall be of Opinion that the tendering and offering of such Witness or Evidence was frivolous or vexatious, or that the Testimony of such Witness, or the Purport of such Evidence, was impertinent or irrelevant to the Matter in issue before the said Commissioners, the said Committee shall report such their Opinion to the House,
E
together

together with their Opinion on the other Matters relating to the said Petition; and the Party who shall before the said Commissioners have opposed the examining, hearing, or receiving of such Witness or Evidence, shall be entitled to recover, from the Person or Persons who shall have produced such Witness or Evidence, the full Costs and Expenses which such Party or Parties shall have incurred in opposing the same, or by reason of the same being received in Manner aforesaid; which Costs and Expenses shall be ascertained and recovered in the same Manner and Form as are now provided by Law for the Recovery of Costs and Expenses in Cases of frivolous or vexatious Petitions, or frivolous or vexatious Opposition to any Petition.

- 32 And be it further Enacted, That after the Copy of the said Proceedings, and Certificate of the Opinions of the said Commissioners, shall be received by the Speaker of the House of Commons of the Parliament of the United Kingdom, a new Select Committee shall be appointed by the said House, within Seven sitting Days, to try the Merits of the said Petition, in the same Manner, and under the same Rules and Regulations in all Respects, as all Committees on controverted Elections are and ought to be appointed; and the said new Committee shall accordingly take the said Proceedings and Opinions of the said Commissioners into Consideration, and shall proceed to try and determine the Merits of the said Petition, in such and the same Manner as Select Committees on controverted Elections are by the Laws now in Force directed to proceed, try, and determine; save and except that the said new Committee shall
- 33 not call for or receive any other or further Evidence, written or parole, respecting any Matters or Things which shall have been tried and examined by the said Commissioners in Manner aforesaid, but the said new Committee shall determine on all such Matters and Things, from the written Minutes of the Evidence and Proceedings before the said Commissioners, and the Certificates of the said Commissioners, so signed, sealed, and transmitted as aforesaid: Provided always, that the said new Select Committee shall and may be at Liberty to hear Counsel as to the Effect of the said Evidence and Certificates, in like Manner as they may do respecting

pecting any other Matter in question before them; and that the said Certificates of the said Commissioners shall not be in anywise binding or conclusive upon the said Committee; but that the said new Select Committee may, notwithstanding the same, if they shall see just Cause, depart from, vary, or reverse the Conclusions drawn by the said Commissioners, or over-rule their said Certificates upon all or any of the Matters so certified by them; and that the said new Select Committee shall report their own Opinion to the House upon the whole Merits of the said Election, or other Matter of the said Petition.

And be it further Enacted, That the said Chairman of the said Commissioners so to be appointed in Manner aforesaid, shall immediately, upon the signing and sealing Two Copies of the Minutes of the Proceedings before the said Commissioners, and the Certificate of their Opinions thereon, in Manner aforesaid, and upon producing a Certificate, under the Hands of the others of the said Commissioners, that the said Chairman duly attended during the whole Time of the Execution of the said Commission, and of the Amount of the Travelling Expenses of such Chairman, calculated as hereinafter mentioned, be entitled to demand and receive the Sum of Two Hundred Pounds for his Attendance upon the Execution of the said Commission, together with the Sum of Two Guineas for every Day which the said Chairman shall have been, or shall be necessarily engaged in travelling from or to his usual Place of Abode, to and from the Place of Meeting of the said Commissioners; and also the Sum of One Shilling for every Mile which such Chairman shall so travel, or shall have so travelled; and that the Clerk to the said Commissioners shall also, upon his transmitting the said Copies in Manner aforesaid, be entitled to demand and receive, and shall receive such Sum or Sums, for his Attendance on the Execution of the said Commission, as the said Commissioners, or any Three of them, shall, under their Hands, certify to be reasonable, not exceeding the Amount of Twenty Shillings for each Day of his Attendance on the Execution of the said Commission; which said several Sums shall be paid to the said Chairman, and to the said Clerk respectively, by the several Parties interested in the said

CLAUSE (L.)

said Petition, in equal Parts, Shares, and Proportions; and in case of Non-payment by either of them the said Parties, the said Chairman, and the said Clerk, or either of them, shall and may recover the same respectively, by Action of Debt against any One of the said Parties, in any Court of Record within the said United Kingdom, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant or Defendants is or are indebted to him (in the Sum mentioned in the Certificate of the said Commissioners, to the said Chairman and Clerk respectively) by virtue of this Act; and the said respective Certificates of the said Commissioners shall be deemed full and sufficient Evidence in Support of such Action of Debt: Provided always, that in every such Action of Debt, no Effoign, Protection, Privilege, or Wager of Law, nor more than One Imparlançe, shall be allowed; and the Party or Parties in whose Favour Judgment shall be given in any such Action, shall recover his or their Costs.

35 And be it further Enacted, That all and every Person and Persons who shall wilfully give false Evidence, or make any false Oath or Affidavit before the said Commissioners, or before any High Sheriff or Justice of the Peace, touching any Matter or Thing provided for by this Act, shall be prosecuted and indicted for the same; and such Person or Persons being convicted thereof, shall be subject and liable to the same Punishments and Disqualifications as Persons are subject and liable to for wilful and corrupt Perjury by the Laws and Statutes of this Realm; and that it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, by Warrant under their Hands and Seals directed to any One or more Constable or Constables, or to any other Person or Persons specially appointed by such Commissioners, which Person or Persons shall in such Case have all the Powers and Privileges of Constables for and in the Execution of such Warrant, to summon and require the Attendance of any Witness or Witnesses or other Person or Persons before them at the Day and Place to be mentioned in the said Warrant; and that all and every Person and Persons so summoned or required to appear or to give Evidence, who shall refuse to appear, or appearing shall refuse to be sworn or give Evidence before the said Commissioners so to be appointed as aforesaid, unless in Cases

Cases of reasonable Excuse, to be allowed of by the said Commissioners, shall and may be prosecuted and indicted for the same in any Court of Record in that Part of the said United Kingdom called Ireland; and such Person or Persons being convicted of such last-mentioned Offence, shall be subject and liable to such Punishment by Fine or Imprisonment, or both, as the said Court before whom such Person or Persons shall be tried and convicted, shall think proper to inflict. 36

And be it further Enacted, That if any Witness before such Commissioners shall prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, or if any Person shall be guilty of any Contempt or Misbehaviour whatsoever, of or towards the said Commissioners while sitting and acting in the Execution of their said Commission, the said Commissioners are hereby empowered, by a Warrant under their Hands and Seals, and directed to the Gaoler of the Common Gaol of the County or Place in which the said Commissioners shall sit, to commit such Person (not being a Peer of the Realm or a Lord of Parliament) to the Custody of the said Gaoler, without Bail or Mainprize, for any Time not exceeding Six Calendar Months.

And whereas it was in and by the said Act for the Union of Great Britain and Ireland, among other Things provided and Enacted, That the Qualifications in respect of Property, of the Members elected on the Part of Ireland, to sit in the House of Commons of the United Kingdom, should be respectively the same as were then provided by Law in the Cases of Elections for Counties and Cities and Boroughs respectively in that Part of Great Britain called England, unless any other Provision should thereafter be made in that Respect by Act of Parliament of the United Kingdom: And whereas, by an Act passed in the Ninth Year of the Reign of her late Majesty Queen ANNE, intituled, "An Act for securing the Freedom of Parliament, by the farther qualifying the Members to sit in the House of Commons," it was amongst other Things Enacted, That no Person should be capable to sit or vote as a Member of the House of Commons for any County, City, Borough, or Cinque Port, within that Part of Great Britain called England, the Dominion of Wales, and Town of Berwick-upon-Tweed, who should not have 40

- have an Estate, Freehold or Copyhold, for his own Life, or for
 41 some greater Estate; either in Law or Equity, to and for his
 own Use and Benefit, of or in Lands, Tenements, and He-
 reditaments, over and above what would satisfy and
 clear all Incumbrances that might affect the same, lying or
 being within that Part of Great Britain called England, the
 Dominion of Wales, and Town of Berwick-upon-Tweed, of
 the respective Annual Value therein limited: And whereas,
 by an Act passed in the Thirty-third Year of the Reign of
 his late Majesty King George the Second, intituled, "An
 Act to enforce and render more effectual the Laws relating
 42 to the Qualification of Members to sit in the House of Com-
 mons," it was Enacted, That every Person (except as in the
 said Act is excepted) who should be elected a Member of the
 House of Commons, should at the Time and in the Manner
 in the said last recited Act directed, produce and deliver in
 to the Clerk of the said House, at the Table of the said House,
 a Paper or Account signed by such Member, containing the
 Names of the Parishes, Townships, Precincts, and Counties,
 in which the Lands, Tenements, or Hereditaments lay,
 whereby such Member should make out his Qualification,
 and should also take and subscribe the Oath in the said last
 recited Act mentioned and contained; Be it therefore further
 Enacted, That the said last recited Act, and all Matters and
 Things therein contained, shall extend and be construed to
 extend to every Person (except as in the said last recited Act
 is excepted) who, from and after the passing of this present
 Act, shall be elected a Member of the House of Commons of
 the Parliament of the said United Kingdom, for any County,
 City, Borough, Cinque Port, Town or Place, in that Part of
 the said United Kingdom called England, or the Dominion
 of Wales, or Town of Berwick-upon-Tweed, or in that Part
 of the said United Kingdom called Ireland: And that it shall
 43 be sufficient that the Lands, Tenements, or Hereditaments,
 whereby such Member shall make out his Qualification in
 Manner by the said last recited Act mentioned and directed,
 shall lie or be either within that Part of the said United King-
 dom called England, or the Dominion of Wales, or Town of
 Berwick-upon-Tweed, or within that Part of the said United
 Kingdom called Ireland; any Thing in the said last recited
 Act, or in the said Act passed in the Ninth Year of the Reign
 of

of her late Majesty Queen ANNE, to the contrary notwithstanding: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to require any such Qualification as aforesaid on the Part of the Member to be from Time to Time elected and returned by the College of the Holy Trinity in Dublin; any Thing herein contained to the contrary in anywise notwithstanding.

And be it further Enacted, That all pecuniary Penalties in and by this Act imposed, shall and may be recovered, with full Costs of Suit, by any Person or Persons who shall sue for the same by Action of Debt in any Court of Record in that Part of the United Kingdom called Ireland, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them (to the Amount of the Penalty sued for) by virtue of this Act; and in which Action no Essoign, Privilege, Protection, or Wager of Law, shall be allowed, nor more than One Imparlane. CLAUSE (B.)

Provided always, and be it further Enacted, That every Indictment, Information, or Action, for any Offence against this Act, or any Forfeiture incurred under the same, shall be found, filed, or commenced within One Year after the Commission of the Fact on which such Indictment, Information, or Action, shall be grounded, or within Six Months after the Conclusion of the Proceedings in the House of Commons relating to the Petition on the Trial of which such Fact shall have arisen. CLAUSE (C.)

Provided always, and be it further Enacted, That this Act, so far as it relates to regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament of Great Britain and Ireland, for that Part of the United Kingdom called Ireland, shall be and continue in Force from the passing thereof, until the First Day of May One thousand Eight hundred and Two, and no longer. CLAUSE (E.)

A

B I L L

[AS AMENDED ON SECOND READING]

FOR

Regulating the Title of Centreville Elections
or Returns of Members to serve in the
United Parliament of Great Britain and
Ireland, for that Part of the United King-
dom called Ireland; and for regulating the
Qualifications of Members to serve in the
said United Parliament.

Ordered to be printed eight 7 Nov 1860.
